

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON TRANSPORTATION**

**Call to Order:** By **CHAIRMAN ROGER SOMERVILLE**, on February 19, 2001 at 3:00 P.M., in Room 472 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Roger Somerville, Chairman (R)  
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)  
Rep. Carol C. Juneau, Vice Chairman (D)  
Rep. Darrel Adams (R)  
Rep. Joe Balyeat (R)  
Rep. Debby Barrett (R)  
Rep. Ronald Devlin (R)  
Rep. Dave Gallik (D)  
Rep. Steven Gallus (D)  
Rep. George Golie (D)  
Rep. Donald L. Hedges (R)  
Rep. Jim Keane (D)  
Rep. Gary Matthews (D)  
Rep. William Price (R)  
Rep. Allen Rome (R)  
Rep. Frank Smith (D)  
Rep. Donald Steinbeisser (R)  
Rep. Karl Waitschies (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Donna Huffman, Committee Secretary  
Leanne Kurtz, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HJR 23, HJR 30, HB 611,  
02/19/01.

Executive Action: HJR 23, HJR 30, HB 512,  
HB 522, HB 529.

HEARING ON HJR 23

**Sponsor:** Rep. David E. Wanzenried, HD 68.

**Proponents:** Barry "Spook" Stang, Montana Motor Carriers Association; Dave Galt, Director of Montana Department of Transportation; Ben Havdahl, MHTA; Dean Roberts, Montana Motor Carriers Association.

**Opponents:** none.

**Informational Witnesses:** none.

**Opening Statement by Sponsor:**

*{Tape : 1; Side : A; Approx. Time Counter : 1.8}*

**Rep. Wanzenried** said this resolution would instruct the Montana Department of Transportation to apply for a grant to the national counterpart for a funding program to study how to set up a Highway Motor Carriers Safety Program. This bill will instruct the Montana Department of Transportation to secure funding from the United States Department of Transportation to study how to implement this program.

**Proponents' Testimony:**

**Barry Stang** handed out a magazine that advertises for their Truck Driver Championship, this includes various safety issues for the truck drivers, **EXHIBIT(trh41a01)**, he said MMCA supports HJR 23. **EXHIBIT(trh41a02)**.

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**Dave Galt** said this bill is an opportunity to test a program and lets the Motor Carrier industry educate themselves on very comprehensive and difficult safety regulations.

**Ben Havdahl** said MHTA supports HJR 23, in efforts to improve Highway Transportation Safety. **EXHIBIT(trh41a03)**.

**Dean Roberts** said they are in support of HJR 23, they are in favor of making highways more safe.

**Opponents' Testimony:** none.

**Questions from Committee Members and Responses:** none.

**Closing by Sponsor:**

**Rep. Wanzenried** closed the hearing on HJR 23.

*{Tape : 1; Side : A; Approx. Time Counter : 9.5}*

**HEARING ON HJR 30**

**Sponsor:** Rep. Robert R. Story, Jr., HD 24.

**Proponents:** Dave Galt, Director of Montana Department of Transportation.

**Opponents:** none.

**Informational Witnesses:** none.

**Opening Statement by Sponsor:**

**Rep. Story** said this resolution requests the committee to get involved with Montana Department of Transportation's process in setting up their next plan with highway studies.

**Proponents' Testimony:**

**Dave Galt** said this will help to include a logical way for putting economic development into the criteria of where highway projects are built.

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**Opponents' Testimony:** none.

**Questions from Committee Members and Responses:** none.

**Closing by Sponsor:**

**Rep. Story** said the legislature should get into the process of the quality and safety of projects in the Montana Department of Transportation. Also, they should get involved in the process of money that is routed to help the economic plan of Montana.

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**EXECUTIVE ACTION ON HJR 30**

**Motion/Vote:** REP. HEDGES moved that HJR 30 DO PASS. Motion carried 18-0.

**EXECUTIVE ACTION ON HJR 23**

**Motion/Vote:** REP. HEDGES moved that HJR 23 DO PASS. Motion carried 18-0.

*{Tape : 1; Side : A; Approx. Time Counter : 22}*

**HEARING ON HB 611**

**Sponsor:** Rep. Jeff Pattison, HD 95.

**Proponents:** none.

**Opponents:** Linda Gryczan, Alice B. Toeclips Cyclery; Eric Grove, self.

**Informational Witnesses:** Matthew Cohn, self.

**Opening Statement by Sponsor:**

Rep. Pattison said this bill was brought about from HB 212, at the request of this committee. He said Rep. Gallus, himself, Jeff Thomas and Colonel Bert Obert got together and came up with some immediate solutions to the safety problems of bicycles on highways. He said some of the changes included having a light on the bicycle that flashes 200 times per minute, also a flag on the bicycle, the ability to see behind them with glasses that have a mirror, wearing reflective clothing, and people wearing protective helmets while riding a bicycle. Another issue brought up was highway widths, this would give bicyclists more room to ride, and educational programs for motorists and bicyclists.

**Proponents' Testimony:** none.

**Opponents' Testimony:**

Linda Gryczan said she is not a proponent or opponent, she said she does not completely oppose this bill. She has been a bicycle instructor and has taught bicyclists how to ride safely in traffic and taught traffic safety to children in schools. She said there are a few things that should be worked on in the bill, and asked the committee to table this bill for now so these issues could be worked on in the next couple of years.

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Eric Grove said he opposes this bill, there was a lack of involvement of cyclists in the community. He said to come up

with some constructive, real solutions that will have a big impact on safety would be a better way. He said this bill is long on theory and short on fact. He asked the committee to table this bill.

**Informational Witnesses:**

**Matthew Cohn** spoke about safety issues with this bill.

**Questions from Committee Members and Responses:**

**Rep. Hedges** asked **Rep. Pattison** if the requirements in this legislation fit with the National Bicycle Standards in the State of Montana. **Rep. Pattison** said they kept in uniform with the road standards and guidelines.

**Rep. Balyeat** asked **Ms. Gryczan** in regards to children wearing helmets, what percent of children are wearing them after getting these educational programs. **Ms. Gryczan** said the Helena Bike Club gives away helmets, with various other groups, and she does think it helps. She doesn't know a percentage.

***{Tape : 1; Side : B; Approx. Time Counter : 27.5}***

**Rep. Balyeat** asked **Mr. Grove** on Page 2, Line 27, in racing bicycles, this equipment must be compliant and clothing requirements, do racing bikes have mirrors on them. **Mr. Grove** said there is an exception to the rule for organized bike races.

***{Tape : 2; Side : A; Approx. Time Counter : 0.5}***

**Rep. Bookout-Reinicke** asked **Mr. Grove**, in the organized races, if there are preliminary meetings that explain qualifications on racing. **Mr. Grove** said all the races that occur, due to liability reasons, are sanctioned by National Organizations and there are applied rules for conduct. He said helmets are required in all competitive events.

**Rep. Bookout-Reinicke** asked **Rep. Pattison** if he would oppose an amendment to take out the part about rear view mirrors. **Rep. Pattison** said they talked with several bicyclists and Colonel Obert, and they felt the mirrors are a wise thing to have.

**Closing by Sponsor:**

***{Tape : 2; Side : A; Approx. Time Counter : 8.6}***

**Rep. Pattison** said to prolong the safety issues with bicyclists is not the answer. He said HB 212 has brought these issues to people's attention. The changes brought in this bill, such as flashing lights on the bikes, and mirrors on bikes would be for the purpose of seeing someone or something coming at you, are for safety reasons. He urges a Do Pass on HB 611.

*{Tape : 2; Side : A; Approx. Time Counter : 15.3}*

**Chairman Somerville** handed out a paper referencing the state's special revenue account for highways. He said because of short falls in the amount of money the fund is taking in, in the last two quarters, there may be balancing problems with this fund. **EXHIBIT(trh41a04)**.

**Marga Lincoln** sent in testimony from Candace Chase, The Daily Inter Lake, concerning HB 522. **EXHIBIT(trh41a05)**.

#### EXECUTIVE ACTION ON HB 522

**Motion:** REP. HEDGES moved that HB 522 DO PASS.

#### Discussion:

**Chairman Somerville** handed out a paper containing the different funding sources that were referred to, prepared by the Montana Department of Transportation. Dave Galt, MDOT, explained these funds. **EXHIBIT(trh41a06)**.

**Motion/Vote:** REP. GOLIE moved that AMENDMENT FOR HB 522, #HB052201.ACE DO PASS. Motion carried 18-0. **EXHIBIT(trh41a07)**.

**Motion/Vote:** REP. GOLIE moved that HB 522 DO PASS AS AMENDED. Motion failed 7-11 with Gallik, Gallus, Golie, Hedges, Juneau, Keane, and Rome voting aye.

**Motion/Vote:** REP. DEVLIN moved to REVERSE VOTE TO TABLE HB 522, DO PASS. Motion carried 11-7 with Gallik, Gallus, Golie, Hedges, Juneau, Keane, and Rome voting no.

#### EXECUTIVE ACTION ON HB 611

**Motion:** REP. ROME moved that HB 611 DO PASS.

**Motion/Vote:** REP. ROME moved that AMENDMENT FOR HB 611, #HB061101.ALK DO PASS. Motion carried 18-0. **EXHIBIT(trh41a08)**.

*{Tape : 3; Side : A; Approx. Time Counter : 2.3}*

Motion/Vote: REP. BALLYEAT moved that HB 611 BE TABLED. Motion carried 11-7 with Bookout-Reinicke, Hedges, Rome, Smith, Somerville, Steinbeisser, and Waitschies voting no.

EXECUTIVE ACTION ON HB 512

Motion: REP. BOOKOUT-REINICKE moved that HB 512 DO PASS.

Motion/Vote: REP. SOMERVILLE moved that AMENDMENT FOR HB 512, #HB051201.ALK DO PASS. Motion carried 18-0. EXHIBIT(trh41a09).

Motion/Vote: REP. KEANE moved that HB 512 BE TABLED. Motion carried 13-5 with Balyeat, Bookout-Reinicke, Rome, Somerville, and Waitschies voting no.

*{Tape : 3; Side : A; Approx. Time Counter : 17.3}*

EXECUTIVE ACTION ON HB 529

Motion: REP. HEDGES moved that HB 529 DO PASS.

Discussion:

Rep. Juneau moved a conceptual amendment for HB 529, to include on Page 2, some restriction for children, who are under age, driving large trucks.

Rep. Smith, Rep. Waitschies, Rep. Balyeat and Rep. Devlin had concerns on the issues of the amendment.

Motion/Vote: REP. JUNEAU moved that a CONCEPTUAL AMENDEMENT FOR HB 529 DO PASS. Motion failed 4-14 with Gallik, Gallus, Golie, and Juneau voting aye.

Motion/Vote: REP. HEDGES moved that HB 529 DO PASS. Motion carried 17-1 with Juneau voting no.

Chairman Somerville said executive action for HB 544, will be on Friday, 03/02/01.

**ADJOURNMENT**

Adjournment: 6:00 P.M.

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REP. ROGER SOMERVILLE, Chairman

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DONNA HUFFMAN, Secretary

RS/DH

**EXHIBIT** (trh41aad)